

**BY-LAWS OF LLOYD GRUBBS POST 49 THE AMERICAN LEGION**  
**Revised during 02/27/2011 Committee meeting**

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**Article I - Name**

**Section 1.** The Post existing under these By-Laws is to be known as

"LLOYD GRUBBS POST NO.49,  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS"

**Section 2.** The objects of this Post are as set forth in its Constitution.

**Article II - Management**

**Section 1.** The government and management of the Post is entrusted to an Executive Committee which shall consist of two (2) members in addition to the Officers of the Post, and together with the other Officers of this Post shall be elected annually as provided in Article V, Section 4, of the Post Constitution, and shall take office immediately upon installation.

**Section 2.** The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Commander at least once a month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive Committee. Five (5) members of the Executive Committee shall constitute a quorum thereof.

**Section 3.** The Post Executive Committee shall hire such employees as may be necessary, shall authorize and approve all expenditures, shall require adequate bonds from all persons having the custody of Post funds, shall cause all funds to be placed in the hands of the Finance Officer for deposit and accounting purposes, shall hear the reports of Post Committee Chairpersons, and generally, shall have charge of and be responsible for the management of the affairs of the Post. At the end of each fiscal year an audit committee shall be appointed with the Judge Advocate as Chairman to conduct a complete audit of Post records before turning them over to the new Finance Officer. Except for the hiring and firing of employees, and matters of discipline, all actions of the Executive Committee shall be submitted for approval to the membership at the next monthly regular membership meeting of the Post.

**Article III - Duties of Officers**

**Section 1.** Duties of Commander: It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such Officer shall be the Chief Executive Officer of the Post. Such Officer shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the Officer Nomination annual meeting and a copy thereof immediately forwarded to the Department Adjutant. Such Officer shall see that this Constitution and By-Laws are observed, and shall preform such duties as are directed by the Post.

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**Section 2.** Duties of Vice Commander: It shall be the duty of the Vice Commander to assume and discharge the duties of the Commander in the absence or disability of, or when called upon by the Commander. Such Officer shall be in charge of membership, and act as representative of the Post Commander.

**Section 3.** Duties of Post Adjutant: The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Commander, handle all correspondence of the Post. The Adjutant shall comply with Article V. Section 5, of the Department Constitution.

**Section 4.** Duties of Post Finance Officer: The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee and the Post Membership, in writing, the condition of the finances of the Post, with such recommendations as such Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall sign all checks, countersigned by the Commander, as authorized by the Executive Committee of the Post. The Post shall furnish such surety bond in such sum as shall be fixed by the Executive Committee.

**Section 5.** Duties of Post Judge Advocate: The Judge Advocate shall supply professional advice in the conduct of the Post business, or to procure proper counsel. The Judge Advocate shall be the Chair of any committee concerning the Constitution or By-Laws revision. The Judge Advocate shall be in charge of the annual audit of the Post financial account as set forth in Article II Section 3 of these By-Laws. The Judge Advocate shall be responsible for the orderly conduct of American Legion disciplinary procedures.

**Section 6.** Duties of Sergeant at Arms: The Sergeant at Arms shall preserve order at all times and all meetings, and shall perform such other duties as may be assigned to such office by the Commander or the Executive Committee. The sergeant at Arms shall have charge of the Post Colors, and shall not display or permit them to be displayed without specific authority of the Post Commander.

**Section 7.** Duties of Post Service Officer: The Service Officer shall comply with the Service Officer's Manual and Post Hand book of the American Legion, and recommendations of National and Department Headquarters, and needs of the Post. The Service Officer shall be charged with communication to all local media services pertaining to Post events.

### **Article IV - Delegates**

**Section 1.** Delegates and alternates to a Department, Division or District Convention shall be elected by written ballot by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Commander to appoint said delegates. The Post

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Commander shall, immediately upon their election or appointment, designate the chairperson.

**Section 2.** Each duly registered delegate shall be entitled to one (1) vote. The vote of any absent delegate shall be apportioned and shared equally on a pro-rate basis among the registered delegates from their Post. Alternates for delegates shall have all privileges of registered delegates except that of voting. A registered delegate is one who has received their credentials after their registration has been paid.

**Section 3.** The chairperson of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present so as to reflect the vote of each delegate present.

### **Article V- Dues- Fiscal Year**

**Section 1.** Annual dues shall be as prescribed by the Post and shall be payable on or before October 20<sup>th</sup> of each year for the succeeding calendar year. Following the calendar year, a member becomes delinquent for non-payment of dues by January 1, and if said member continues delinquent, said member loses all privileges by February 1<sup>st</sup>, and membership is forfeited on June 30<sup>th</sup> if still delinquent.

**Section 1 a.** If delinquent member is still delinquent after February 1, said member shall be suspended from all privileges. Said member shall have no right to serve as an officer, be elected to office or vote. If still under such suspension on June 30<sup>th</sup> of such year, membership in the American Legion shall be forfeited.

**Section 2.** The newly elected officers shall be installed at a regular or special meeting, as may be designated by the Executive Committee, as soon as practicable after the annual election, not later than the first regular Post meeting in October following their election, and according to Article V, Section 4 of the Constitution. The incoming Commander shall designate the Installing Officer.

**Section 3.** The Chairperson of the membership committee may recommend to the Executive Committee the names whose dues shall be paid for by the Post with reasons for such recommendations. The Executive Committee shall have the power to approve or reject such recommendations, except new members and transfer, for Post floor approval.

**Section 4.** The fiscal year shall begin September 1<sup>st</sup>, and end August 31<sup>st</sup> of each year.

### **Article VI - Post Committee Appointments**

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint such standing committees as deemed necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide; the Commander shall also appoint such other committees as necessary from time to time. All such committees shall consist of such members and the chairperson thereof as shall be designated by the Post Commander.

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**Section 2.** The duties and functions of the respective Post Committees should be in accordance with the current Post Offices Guide of the American Legion and with recommendations of National and Department Headquarters.

**Section 3.** The Commander's appointment of the Private Club, Fund-raiser, Hub-master and Entertainment Chairperson shall be subject to the approval of the Post Executive Committee.

**Article VII - Resolutions**

**Section 1.** All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department Headquarters for approval before any publicity is given or action other than mere passage by the Post is taken.

**Article VIII - Meetings**

**Section 1.** The regular meeting of this Post shall be held at 108 Green Ave., on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays, at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Executive Committee meetings since the last regular meeting; such meetings may be converted into entertainment meetings, as may be deemed advisable by the Officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

**Section 2.** The regular business meetings of the Post shall be as determined by the Post. Other business or social meetings may be held as directed by the Commander and the Executive Committee.

**Section 3.** The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

**Section 4.** Upon the written request by signed petition of not less than seven (7) of the members in good standing of this Post delivered to the Commander, requesting a special meeting of the Post, the Commander shall call the said special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of said petition. In the said petition shall be stated the purpose for the meeting is requested, and matters not pertaining to said purpose shall not be considered at such meeting. In notices given to the membership of said meeting, the subject matter to be discussed shall be stated.

**Section 5.** At least seven (7) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

**Section 6.** During Post Meetings, the Club Room will be open. Post and SAL members are expected to attend the Post Meeting. Last call for Post and SAL members is at 6:45 p.m. (1845).

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**Article IX - Notices**

**Section 1.** Every member shall furnish the Post Adjutant with his or her address for mailing purposes. Notices sent to the last known address shall constitute sufficient notice.

**Section 2.** The Post Adjutant shall cause written notice of the annual election to be given at least thirty (30) days prior thereto.

**Article X - Rules of Order**

**Section 1.** All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, newly revised, except as herein otherwise provided.

**Article XI - Limitations of Liabilities**

**Section 1.** This Post shall incur, or cause to be incurred, no liability nor obligations whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of the American Legion, or other individuals, corporation or organization.

**Article XII - Amendments**

**Section 1.** These By-Laws may be amended at any regular Post Meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next proceeding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying all said members that at such meeting a proposal to the By-Laws is to be voted on.

**Article XIII - Board of Trustees**

**Section 1.** A Board of Trustees is hereby created to consist of five (5) members of the Post, and the current Commander, with right to vote. One member of said Board of Trustees shall be elected each year by the Post Membership to serve for a term of five (5) years. No Member of the Board shall hold any other elected office in the Post nor shall be eligible to succeed themselves. The elected members of the Board of Trustees, with the exception of the Commander, are not considered to be Officers nor are they members of the Executive Committee.

**Section 2.** At the first regular meeting of the Board of Trustees in each year, the Board shall elect a Chairperson and a Vice Chairperson who shall serve for a term of one (1) year and shall not be eligible to succeed themselves. The Finance Officer, Judge Advocate and Adjutant shall serve the Board in their respective capacities, but shall not be granted the privilege of vote on any question coming before the Board of Trustees. The members of the Board shall meet at

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least once a month and hold special meetings at such time and place as deemed necessary by the Chairperson or on call of three (3) members thereof.

**Section 3.** A majority shall power to act and to exercise all the authority of the Board. The members of the Board shall serve without pay. Each shall be covered by the Post Flat Bond.

**Section 4.** Vacancies in the Board of Trustees shall be filled by election at a regular meeting by the Post membership.

**Section 5a.** The duties of the Board of Trustees shall be to take charge of all Trust Funds and all properties, real, personal or mixed, the legal title to which is now vested, or may hereto vest, in the Post, or which may be offered to and accepted by the Post. Real Property owned by the Post may be sold, leased, or otherwise disposed of, where control of said property is involved, at any regular meeting of the Post by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting, provided that the proposal shall have been submitted in writing and read at a meeting of the Executive Committee and approved by a majority of the Executive Committee present and voting, and further provided that the proposal shall have been submitted in writing and read at a meeting of the Board of Trustees and approved by a majority of those present and voting, and provided further that the proposal shall have been submitted in writing and read at the first regular meeting of said Post following action by the Board of Trustees, provided further that notice shall have been given to all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon, provided further that notices of the proposal have been given publication in area press, radio and the bulletin board in the American Legion Home, notifying the said members that at such a meeting a proposal to sell, lease or otherwise dispose of said property is to be voted upon.

**Section 5b.** No changes, alterations or additions to the real property of the Post shall be made without the prior approval of the Board of Trustees, final approval after recommendation by the Board of Trustees shall be vested in the Executive Committee and the Post.

**Section 5c.** The disposal of control of real property of the Post can only be amended by the same procedure as set forth in the above Section 5a for the disposal of control of real property.

**Section 6.** The Board of Trustees shall act as a Building and Grounds Committee for the purpose of rental of said property on a temporary basis and/or otherwise handle use of said property, subject to final approval of the Executive Committee. The Executive Committee may assign such other duties to the Board of Trustees as it deems advisable.